

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN M. REGAN, JR.,

Petitioner

AFFIDAVIT

v.

BRIAN FISCHER, AS COMMISSIONER OF THE NEW
YORK STATE DEPARTMENT OF CORRECTIONAL
SERVICES; NEW YORK STATE DEPARTMENT OF
CORRECTIONAL SERVICES; WILLIAM M. POWERS
AS SUPERINTENDENT OF THE ALBION
CORRECTIONAL FACILITY; NEW YORK
STATE ATTORNEY GENERAL,

Docket No. 08-CV-6071L(P)

Respondents.

SEPHORA K. DAVIS, being duly sworn, deposes and says:

1. I am currently incarcerated at the Albion Correctional Facility. My inmate number is 07-G-0011. I am the subject of the within Petition for a Writ of Habeas Corpus brought by John M. Regan, Jr. and I consent to him bringing the Petition in his name as my "next friend" pursuant to 28 U.S.C. 2242.

2. Mr. Regan has been my attorney since July of 2004. He knows more than I do about what happened to me from December 8th of 2003, the events that led to my prosecution, conviction and imprisonment. I was never able to be much help to the police, Mr. Regan or any of my other attorneys.

3. I was shocked when I was arrested on January 23rd, 2004, with several police cars surrounding me in Mount Morris and officers pointing guns at me and yelling. They took me to a court in Geneseo where the judge said I was being charged with robbery and kidnapping. I didn't know what he was talking about and I was terrified.

4. All I knew was that Adrian Paige had been telling me to say this and that if the police


contacted me and I did. I was kind of afraid of Adrian. He had introduced me to a very large man and said his name was "Brock". That man later raped me at knife point, and threatened to kill me and my younger sister if I ever told anyone.

5. I tried to put that out of my mind and forget about it. I didn't want to go to the police. I didn't think they would do anything to protect me or my sister. A policeman named Dana Carson had been aggressively harassing me for a long time and was mad that I didn't want anything to do with him.

6. I know it has been frustrating for a lot of people, including Mr. Regan, that I can't tell them very much about things they think I should know about all these events. But I can't just make things up or go along with things I'm not sure of because the police want me to or my parents want me to or Mr. Regan wants me to. I let Adrian Paige do that to me and that was a mistake.

7. I was just so afraid of everyone and everything. I didn't want someone coming to my house and murdering me and my sister. I guess going to prison was better than that.

Dated: March , 2008


SEPHORA K. DAVIS

Sworn to before me this

~~18th~~ day of March, 2008


Notary Public

ROBERT D. LINDNER JR.
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 0116120359
QUALIFIED IN ERIE COUNTY
My Commission Expires Dec. 20, 2008